

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code §§ 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Idaho Code §§ 39-105, 39-107, and 39-3601 et seq.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, October 7, 2015, Vol. 15-10, pages 653-678. After consideration of public comments, the rule has been revised at Section 210. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0102-1201 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Dated this 6th day of January, 2016.

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DOCKET NO. 58-0102-1201 -- ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-10, pages 653 through 678

This rule has been adopted as a pending fee rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 58-0102-1201
(Only Those Sections With Amendments Are Shown.)

[Subsection 210.01 - All]

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

01. **Criteria for Toxic Substances.** The criteria of Section 210 apply to surface waters of the state as follows. (5-3-03)
- a. Columns B1, and B2, ~~and C2~~ of the following table apply to waters designated for aquatic life use. (5-3-03)(_____)
- b. Column C2 of the following table applies to waters designated for primary or secondary contact recreation use. (5-3-03)(_____)
- c. Column C1 of the following table applies to waters designated for domestic water supply use.

Note: In 2006, Idaho updated 167 human health criteria for 88 chemicals. On May 10, 2012, EPA disapproved Idaho's 2006 update of 167 human health criteria for toxic substances and the use of 17.5 g/day fish consumption rate for human health criteria (see IDAPA 58.01.02.210.05.b.i). This action was based on EPA's judgment that the fish consumption rate used in criteria derivation was not adequately protective. As a result of this action, the human health criteria published in the 2005 version of IDAPA 58.01.02.210.01 continue to apply and are effective for federal Clean Water Act purposes. These criteria are summarized in "Numeric Criteria for Toxic Substances (2005)" located at http://www.deq.idaho.gov/media/451725-human_health_criteria.pdf.

For more information regarding this EPA disapproval, go to <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.

A		B			C	
		Aquatic life			Human health for consumption of:	
(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	Carcinogen?	Water & organisms fish (µg/L) C1	Organisms Fish only (µg/L) C2
1 Antimony	7440360				5.6 <u>5.2</u> c	640 <u>190</u> c
2 Arsenic	7440382	340 e	150 e	<u>Y</u>	10 dfq	10 dfq
3 Beryllium	7440417				h	h
4 Cadmium	7440439	1.3 i	0.6 i		h	h
5a Chromium III	16065831	570 i	74 i		h	h
5b Chromium VI	18540299	16 e	11 e		h	h
6 Copper	7440508	17 i	11 i		<u>1,300</u> g	
7 Lead	7439921	65 i	2.5 i		h	h
8a Mercury	7439976	g	g			
Note: In 2005, Idaho adopted EPA's recommended methylmercury fish tissue criterion for protection of human health. The decision was made to remove the old tissue-based aquatic life criteria and rely on the fish tissue criterion to provide protection for aquatic life as well as human health. Thus, current Idaho water quality standards do not have mercury water column criteria for the protection of aquatic life. While EPA approved Idaho's adoption of the fish tissue criterion in September 2005, it had withheld judgment on Idaho's removal of aquatic life criteria. On December 12, 2008, EPA disapproved Idaho's removal of the old aquatic life criteria. The water column criteria for total recoverable mercury effective for federal Clean Water Act purposes are located at http://www.deq.idaho.gov/cpa-actions-on-proposed-standards .						
8b Methylmercury	22967926					0.3 mg/kg p
9 Nickel	7440020	470 i	52 i		610 <u>58</u> c	4600 <u>100</u> c
10 Selenium	7782492	20 f	5 f		470 <u>29</u> c	4200 <u>250</u> c
11 Silver	7440224	3.4 i				
12 Thallium	7440280				0.24 <u>0.017</u> c	0.47 <u>0.023</u> c
13 Zinc	7440666	120 i	120 i		7400 <u>870</u> c	26000 <u>1,500</u> c
14 Cyanide	57125	22 j	5.2 j		140 <u>3.9</u> c	140 <u>140</u> c
15 Asbestos	1332214				7,000,000 fibers/L kg	
16 2, 3, 7, 8-TCDD Dioxin	1746016			<u>Y</u>	0.000000005 <u>1.8E-08</u> cl	0.0000000051 <u>1.9E-08</u> cl
17 Acrolein	107028				190 <u>3.2</u> c	290 <u>120</u> c
18 Acrylonitrile	107131			<u>Y</u>	0.051 <u>0.60</u> cl	0.25 <u>22</u> cl
19 Benzene	71432				2.2 <u>3.0</u> cl	54 <u>28</u> cl
20 Bromoform	75252			<u>Y</u>	4.362 cl	140 <u>380</u> cl

A		B Aquatic life		C Human health for consumption of:		
(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	^c Carcinogen?	Water & organisms fish (µg/L) C1	Organisms Fish only (µg/L) C2
21 Carbon Tetrachloride	56235			Y	0.23 <u>3.6</u> cl	4.6 <u>15</u> cl
22 Chlorobenzene	108907				430 <u>89</u> c	1600 <u>270</u> c
23 Chlorodibromomethane	124481			Y	0.40 <u>7.4</u> cl	43 <u>67</u> cl
24 Chloroethane	75003				<u>h</u>	<u>h</u>
25 2-Chloroethylvinyl Ether	110758				<u>h</u>	<u>h</u>
26 Chloroform	67663				5.7 <u>61</u> <u>lc</u>	470 <u>730</u> <u>lc</u>
27 Dichlorobromomethane	75274			Y	0.55 <u>8.8</u> cl	47 <u>86</u> cl
28 1,1-Dichloroethane	75343				<u>h</u>	<u>h</u>
29 1,2-Dichloroethane	107062			Y	0.38 <u>96</u> cl	37 <u>2,000</u> cl
30 1,1-Dichloroethylene	75354				330 <u>310</u> <u>lc</u>	7,100 <u>5,200</u> <u>lc</u>
31 1,2-Dichloropropane	78875			Y	0.50 <u>8.5</u> cl	45 <u>98</u> cl
32 1,3-Dichloropropene	542756			Y	0.34 <u>2.5</u> cl	24 <u>38</u> cl
33 Ethylbenzene	100414				530 <u>32</u> c	2,100 <u>41</u> c
34 Methyl Bromide	74839				47 <u>130</u> c	1500 <u>3,700</u> c
35 Methyl Chloride	74873				<u>h</u>	<u>h</u>
36 Methylene Chloride	75092				4.6 <u>38</u> <u>cl</u>	590 <u>960</u> <u>cl</u>
37 1,1,2,2-Tetrachloroethane	79345			Y	0.17 <u>1.4</u> cl	4.0 <u>8.6</u> cl
38 Tetrachloroethylene	127184				0.69 <u>15</u> <u>cl</u>	3.3 <u>23</u> <u>cl</u>
39 Toluene	108883				1300 <u>47</u> c	15000 <u>170</u> c
40 1,2-Trans-Dichloroethylene	156605				440 <u>120</u> c	10000 <u>1,200</u> c
41 1,1,1-Trichloroethane	71556				<u>11,000</u> <u>hc</u>	<u>56,000</u> <u>hc</u>
42 1,1,2-Trichloroethane	79005			Y	0.59 <u>4.9</u> cl	46 <u>29</u> cl
43 Trichloroethylene	79016				2.5 <u>2.6</u> <u>cl</u>	30 <u>11</u> <u>cl</u>
44 Vinyl Chloride	75014			Y	0.025 <u>0.21</u> cl	2.4 <u>5.0</u> cl
45 2-Chlorophenol	95578				84 <u>30</u> c	150 <u>260</u> c
46 2,4-Dichlorophenol	120832				77 <u>9.6</u> c	290 <u>19</u> c
47 2,4-Dimethylphenol	105679				380 <u>110</u> c	850 <u>820</u> c
48 2-Methyl-4,6-Dinitrophenol	534521				43 <u>1.6</u> c	280 <u>8.6</u> c

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(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	Carcinogen? C3	Water & organisms fish (µg/L) C1	Organisms Fish only (µg/L) C2	
49 2,4-Dinitrophenol	51285				69 <u>12</u> c	5300 <u>110</u> c	
50 2-Nitrophenol	88755				<u>h</u>	<u>h</u>	
51 4-Nitrophenol	100027				<u>h</u>	<u>h</u>	
52 3-Methyl-4-Chlorophenol	59507				<u>350</u> c	<u>750</u> c	
53 Pentachlorophenol	87865	20 m	13 m	<u>Y</u>	0.27 <u>0.11</u> cl	3.0 <u>0.12</u> cl	
54 Phenol	108952				21000 <u>3.800</u> c	1700000 <u>85.000</u> c	
55 2,4,6-Trichlorophenol	88062				1.4 <u>1.5</u> cl	2.4 <u>2.0</u> cl	
56 Acenaphthene	83329				670 <u>26</u> c	990 <u>28</u> c	
57 Acenaphthylene	208968				<u>h</u>	<u>h</u>	
58 Anthracene	120127				8300 <u>110</u> c	40000 <u>120</u> c	
59 Benzidine	92875			<u>Y</u>	0.000086 <u>0.0014</u> cl	0.00020 <u>0.033</u> cl	
60 Benzo(a)Anthracene	56553			<u>Y</u>	0.0038 <u>0.0042</u> cl	0.018 <u>0.0042</u> cl	
61 Benzo(a)Pyrene	50328			<u>Y</u>	0.0038 <u>0.00042</u> cl	0.018 <u>0.00042</u> cl	
62 Benzo(b)Fluoranthene	205992			<u>Y</u>	0.0038 <u>0.0042</u> cl	0.018 <u>0.0042</u> cl	
63 Benzo(ghi)Perylene	191242				<u>h</u>	<u>h</u>	
64 Benzo(k)Fluoranthene	207089			<u>Y</u>	0.0038 <u>0.042</u> cl	0.018 <u>0.042</u> cl	
65 Bis(2-Chloroethoxy) Methane	111911				<u>h</u>	<u>h</u>	
66 Bis(2-Chloroethyl)Ether	111444			<u>Y</u>	0.030 <u>0.29</u> cl	0.53 <u>6.8</u> cl	
67 Bis(2-Chloroisopropyl) Ether	108601				1400 <u>220</u> c	65000 <u>1.200</u> c	
68 Bis(2-Ethylhexyl) Phthalate	117817			<u>Y</u>	1.2 <u>1.2</u> cl	2.2 <u>1.2</u> cl	
69 4-Bromophenyl Phenyl Ether	101553				<u>h</u>	<u>h</u>	
70 Butylbenzyl Phthalate	85687				1500 <u>0.33</u> c	1900 <u>0.33</u> c	
71 2-Chloronaphthalene	91587				1000 <u>330</u> c	1600 <u>380</u> c	
72 4-Chlorophenyl Phenyl Ether	7005723				<u>h</u>	<u>h</u>	

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		B1	B2		C1	C2
73 Chrysene	218019			Y	0.0038 <u>0.42</u> cl	0.018 <u>0.42</u> cl
74 Dibenzo (a,h) Anthracene	53703			Y	0.0038 <u>0.00042</u> cl	0.018 <u>0.00042</u> cl
75 1,2-Dichlorobenzene	95501				420 <u>700</u> c	1300 <u>1,100</u> c
76 1,3-Dichlorobenzene	541731				320 <u>3.5</u> c	960 <u>4.8</u> c
77 1,4-Dichlorobenzene	106467				63 <u>180</u> c	190 <u>300</u> c
78 3,3'-Dichlorobenzidine	91941			Y	0.021 <u>0.29</u> cl	0.028 <u>0.48</u> cl
79 Diethyl Phthalate	84662				17000 <u>200</u> c	44000 <u>210</u> c
80 Dimethyl Phthalate	131113				270000 <u>600</u> c	1100000 <u>600</u> c
81 Di-n-Butyl Phthalate	84742				2000 <u>8.2</u> c	4500 <u>8.3</u> c
82 2,4-Dinitrotoluene	121142			Y	0.11 <u>0.46</u> cl	3.4 <u>5.5</u> cl
83 2,6-Dinitrotoluene	606202				<u>h</u>	<u>h</u>
84 Di-n-Octyl Phthalate	117840				<u>h</u>	<u>h</u>
85 1,2-Diphenylhydrazine	122667			Y	0.036 <u>0.25</u> cl	0.20 <u>0.65</u> cl
86 Fluoranthene	206440				130 <u>6.3</u> c	140 <u>6.4</u> c
87 Fluorene	86737				1100 <u>21</u> c	5300 <u>22</u> c
88 Hexachlorobenzene	118741			Y	0.00028 <u>0.00026</u> cl	0.00028 <u>0.00026</u> cl
89 Hexachlorobutadiene	87683			Y	0.44 <u>0.031</u> cl	48 <u>0.031</u> cl
90 Hexachloro-cyclopentadiene	77474				40 <u>1.3</u> c	1100 <u>1.3</u> c
91 Hexachloroethane	67721				1.4 <u>0.23</u> cl	3.3 <u>0.24</u> cl
92 Ideno (1,2,3-cd) Pyrene	193395			Y	0.0038 <u>0.0042</u> cl	0.018 <u>0.0042</u> cl
93 Isophorone	78591			Y	35 <u>330</u> cl	960 <u>6,000</u> cl
94 Naphthalene	91203				<u>h</u>	<u>h</u>
95 Nitrobenzene	98953				17 <u>12</u> c	690 <u>180</u> c
96 N-Nitrosodimethylamine	62759			Y	0.00069 <u>0.0065</u> cl	3.0 <u>9.1</u> cl
97 N-Nitrosodi-n-Propylamine	621647			Y	0.0050 <u>0.046</u> cl	0.51 <u>1.5</u> cl

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98 N-Nitrosodiphenylamine	86306			Y	3.314 cl	6.0 18 cl
99 Phenanthrene	85018				h	h
100 Pyrene	129000				830 8.1 c	4000 8.4 c
101 1,2,4-Trichlorobenzene	120821				35 0.24 c	70 0.24 c
102 Aldrin	309002	3		Y	0.000049 2.5E-06 cl	0.000050 2.5E-06 cl
103 alpha-BHC	319846			Y	0.0026 0.0012 cl	0.0040 0.0013 cl
104 beta-BHC	319857			Y	0.0004 0.036 cl	0.017 0.045 cl
105 gamma-BHC (Lindane)	58899	2	0.08		0.98 1.4 lc	1.8 1.4 lc
106 delta-BHC	319868				h	h
107 Chlordane	57749	2.4	0.0043	Y	0.00080 0.0010 cl	0.00081 0.0010 cl
108 4,4'-DDT	50293	1.1	0.001	Y	0.00022 9.8E-05 cl	0.00022 9.8E-05 cl
109 4,4'-DDE	72559			Y	0.00022 5.5E-05 cl	0.00022 5.5E-05 cl
110 4,4'-DDD	72548			Y	0.00031 0.00042 cl	0.00031 0.00042 cl
111 Dieldrin	60571	2.5	0.0019	Y	0.000052 4.2E-06 cl	0.000054 4.2E-06 cl
112 alpha-Endosulfan	959988	0.22	0.056		62 7.0 c	89 8.5 c
113 beta-Endosulfan	33213659	0.22	0.056		62 11 c	89 14 c
114 Endosulfan Sulfate	1031078				62 9.9 c	89 13 c
115 Endrin	72208	0.18	0.0023		0.059 0.011 c	0.060 0.011 c
116 Endrin Aldehyde	7421934				0.29 0.38 c	0.30 0.40 c
117 Heptachlor	76448	0.52	0.0038	Y	0.000079 2.0E-05 cl	0.000079 2.0E-05 cl
118 Heptachlor Epoxide	1024573	0.52	0.0038	Y	0.000039 0.00010 cl	0.000039 0.00010 cl
119 Polychlorinated Biphenyls PCBs:	n		0.014 n	Y	0.000064 0.00019 clo	0.000064 0.00019 clo
120 Toxaphene	8001352	0.73	0.0002	Y	0.00028 0.0023 cl	0.00028 0.0023 cl

A		B Aquatic life		C Human health for consumption of:		
(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	Carcinogen?	Water & organisms fish (µg/L) C1	Organisms Fish only (µg/L) C2
121 Chlorine		19 k	11 k			
122 1,2,4,5-Tetrachlorobenzene	95943				0.0093 c	0.0094 c
123 2,4,5-Trichlorophenol	95954				140 c	190 c
124 Bis (Chloromethyl) Ether	542881			Y	0.0015 cl	0.055 cl
125 Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]	93721				82 c	130 c
126 Chlorophenoxy Herbicide (2,4-D)	94757				1,000 c	3,900 c
127 Dinitrophenols	25550587				13 c	320 c
128 Hexachlorocyclohexane (HCH)-Technical	608731			Y	0.027 cl	0.032 cl
129 Methoxychlor	72435				0.0054 c	0.0055 c
130 Pentachlorobenzene	608935				0.035 c	0.036 c
Table Footnotes						
a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.						
b. See definitions of Acute Criteria (CMC) and Chronic Criteria (CCC), Section 010 of these rules.						

A		B Aquatic life		C Human health for consumption of:		
(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	Carcinogen?	Water & organisms fish (µg/L) C1	Organisms Fish only (µg/L) C2
<p>c. This criterion has been revised to reflect The Environmental Protection Agency's q1* or RfD, as contained in the Integrated Risk Information System (IRIS) as of May 17, 2002. The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case. This criterion is based on input values to human health criteria calculation specified in Idaho's Technical Support Document (TSD) for Human Health Criteria Calculations - 2015. Criteria for non-carcinogens are calculated using the formula:</p> $AWQC = RfD * RSC * \left(\frac{BW}{DI + (FI * BAF)} \right)$ <p>and criteria for carcinogens are calculated using the formula:</p> $AWQC = RSD * \left(\frac{BW}{DI + (FI * BAF)} \right)$ <p>Where: AWQC = Ambient water quality criterion (mg/L) BW = Human Body Weight (kg). 80 is used in these criteria DI = Drinking Water Intake, (L/day), 2.4 is used in these criteria FI = Fish Intake, (kg/day), 0.0665 is used in these criteria BAF = Bioaccumulation Factor, L/kg, chemical specific value, see TSD RfD = Reference dose (mg/kg-day), chemical specific value, see TSD</p> $RSD = \frac{\text{Target Incremental Cancer Risk}}{\text{Cancer Potency Factor}} \text{ (mg/kg-day), chemical specific value, see TSD}$ $RSC = \text{Relative Source Contribution, chemical specific value, see TSD}$						
d. Inorganic forms only.						
e. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.c.iii. CMC = column B1 value X WER. CCC = column B2 value X WER.						
f. Criterion expressed as total recoverable (unfiltered) concentrations.						
g. No aquatic life criterion is adopted for inorganic mercury. However, the narrative criteria for toxics in Section 200 of these rules applies. The Department believes application of the human health criterion for methylmercury will be protective of aquatic life in most situations.						
h. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules.						

A		B Aquatic life		C Human health for consumption of:		
(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	<div>Carcinogen?</div>	Water & organisms fish (µg/L) C1	Organisms Fish only (µg/L) C2
i. Aquatic life criteria for these metals are a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.c.iii. and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the example values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).						
j. Criteria are expressed as weak acid dissociable (WAD) cyanide.						
k. Total chlorine residual concentrations.						
l. EPA guidance allows states to choose a risk factor from a range of 10 ⁻⁴ to 10 ⁻⁶ for the incremental increase in cancer risk used in human health criteria calculation. Idaho has chosen to base this criterion on carcinogenicity of 10 ⁻⁶ risk.						
m. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8). CMC = exp(1.005(pH)-4.830) CCC = exp(1.005(pH)-5.290)						
n. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.						
o. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).						
p. This fish tissue residue criterion (TRC) for methylmercury is based on a human health reference dose (RfD) of 0.0001 mg/kg body weight-day; a relative source contribution (RSC) estimated to be 27% of the RfD; a human body weight (BW) of 70 kg (for adults); and a total fish consumption rate of 0.0175 kg/day for the general population, summed from trophic level (TL) breakdown of TL2 = 0.0038 kg fish/day + TL3 = 0.0080 kg fish/day + TL4 = 0.0057 kg fish/day. This is a criterion that is protective of the general population. A site-specific criterion or a criterion for a particular subpopulation may be calculated by using local or regional data, rather than the above default values, in the formula: TRC = [BW x {RfD - (RSCxRfD)}] / Σ TL. In waters inhabited by species listed as threatened or endangered under the Endangered Species Act or designated as their critical habitat, the Department will apply the human health fish tissue residue criterion for methylmercury to the highest trophic level available for sampling and analysis.						
q. This criterion is based on the drinking water Maximum Containment Level (MCL).						

(3-29-10)()

05. Development of Toxic Substance Criteria. (4-5-00)

b. Human Health Criteria. (4-5-00)

[Subparagraph 210.05.b.ii.]

ii. When using EPA-recommended-criteria toxicity thresholds to derive water quality criteria to protect human health, a fish consumption rate of seventeen point five (17.5) grams/day, a representative of the population to be protected, a mean adult body weight, an adult 90th percentile water ingestion rate of two (2) liters/day, a trophic level weighted BAF or BCF, and a hazard quotient of one (1) for non-carcinogens or a cancer risk level of 10^{-6} for carcinogens shall be utilized. (4-11-06)()

Note: In 2006, Idaho updated 167 human health criteria for 88 chemicals. On May 10, 2012, EPA disapproved Idaho's 2006 update of 167 human health criteria for toxic substances (see IDAPA 58.01.02.210.01) and the use of 17.5 g/day fish consumption rate for human health criteria. This action was based on EPA's judgment that the fish consumption rate used in criteria derivation was not adequately protective. As a result of this action, the fish consumption rate of 6.5 g/day published in the 2005 version of IDAPA 58.01.02.210.05.b.i. continues to apply and is effective for federal Clean Water Act purposes. For more information regarding this EPA disapproval, go to <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.